

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE TUMELE,

Plaintiff,

No. 06-CV-10605-DT

vs.

Hon. Gerald E. Rosen

ROBERT SCOTT FACILITY, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on October 17, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the September 20, 2006 Report and Recommendation of United States Magistrate Mona K. Majzoub recommending that the Court grant Defendants' motions to dismiss (docket nos. 16 and 18); and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' motions should be granted and this case should, accordingly be dismissed in its entirety for failure to exhaust administrative remedies; and the Court being otherwise fully advised in the

premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of September 20, 2006 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Motions to Dismiss be, and hereby are, GRANTED. Accordingly, Plaintiff's Complaint is DISMISSED in its entirety, without prejudice. Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: October 17, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 17, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager